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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [TS](#)
SUBJECT: TUNISIA -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. (A) STATE 59732
[B.](#) (B) STATE 005577

¶1. This is an action cable; see paras 5 through 7 and 10.

¶2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

¶3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Tunisia of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Tunisia and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/not precede the Secretary's release at 10:00 am EDT on June 16.

¶4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

¶5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Tunisia of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

¶6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Tunisia's country narrative in the 2009 TIP Report:

TUNISIA (TIER 2 WATCH LIST)

Tunisia is a source, destination, and possible transit country for small numbers of men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. Several Tunisian trafficking victims were identified during the reporting period in foreign locations; two women were rescued from forced prostitution in Jordan and three men from forced labor in Italy. Some Tunisian girls are trafficked within the country for domestic servitude. A 2008 survey of 130 domestic workers in the Greater Tunis region found that 52 percent were under the age of 16; twenty-three percent claimed to be victims of physical violence, and 11 percent of sexual violence. Ninety-nine percent indicated they had no work contracts and the majority received salaries below the minimum wage. These conditions are indicators of possible forced labor. In 2007, three Ukrainians were identified as having been trafficked to Tunisia for work in hotels and commercial sexual exploitation.

The Government of Tunisia does not fully comply with the minimum standards for the elimination of trafficking, but is making significant efforts to do so. Despite these significant overall efforts, including the conviction and sentencing of a trafficking offender and the signing of a cooperative agreement with Italy on trafficking and illegal migration, the government did not show evidence of progress in proactively identifying or protecting trafficking victims or raising public awareness of human trafficking over the last year; therefore, Tunisia is placed on Tier 2 Watch List. Human trafficking is not perceived to be a problem in Tunisia; it is possible that victims of trafficking remain undetected because of a lack of effort to identify them among vulnerable groups.

Recommendations for Tunisia: Utilize existing criminal statutes on forced labor and forced prostitution to investigate and prosecute trafficking offenses and convict and punish trafficking offenders; undertake a baseline assessment to better understand the scope and magnitude of the human trafficking problem; draft and enact legislation that prohibits and adequately punishes all forms of human trafficking; and institute a formal victim identification mechanism to identify and refer trafficking victims to protection services.

Prosecution

The Government of Tunisia made limited anti-trafficking law enforcement efforts during the reporting period; one known trafficking offender was brought to justice. Tunisian laws do not specifically prohibit human trafficking, though trafficking offenders could be prosecuted under several laws that prohibit specific forms of trafficking in persons. The Penal Code prescribes 10 years, imprisonment for capturing, detaining, or sequestering a person for forced labor; one to two years, imprisonment for forced child begging, and up to five years, imprisonment for forced prostitution of women and children. The penalty for forced prostitution () five years, imprisonment) is sufficiently stringent, though not

commensurate with penalties prescribed for other grave offenses, such as rape. In April 2009, a Tunis court convicted and sentenced a Tunisian woman to three years, imprisonment under Article 218 of the penal code (violence with premeditation) for subjecting to domestic servitude and physically abusing a seven-year old girl. The Ministry of Social Affairs, Solidarity and Tunisians Abroad is responsible investigating violations of the labor code and conducted approximately 30,000 labor inspections in 2008; it reported no known cases of forced labor or exploitative child labor to Tunisian courts in 2008. There is no evidence that the government provided anti-trafficking training to law enforcement officials in 2008. There is no evidence of official tolerance of or complicity in trafficking in persons.

Protection

While the government did not provide protection services specifically for trafficking victims during the reporting period, women's organizations provided services to at-risk groups of women and children with government support. While the government does not operate care facilities for crime victims, its social workers provided direct assistance to abused women and children in two shelters operated by a local NGO; these shelters could provide assistance to trafficking victims. The government encouraged the victim in the aforementioned legal case to testify against her trafficker during the court proceedings and provided her with medical care. The Ministry of Women's Affairs, Family, Children, and Elderly Persons employed a child protection delegate in each of Tunisia's 24 districts to intervene in cases of sexual, economic, or criminal exploitation of children; these delegates ensured that child sexual abuse victims received adequate medical care and counseling and could potentially advocate for service provision for child victims of labor and sex trafficking. The government lacked formal procedures to identify trafficking victims among vulnerable groups, such as illegal migrants and those arrested for prostitution. As a result, trafficking victims, when not identified, may be vulnerable to deportation or other punishment if caught engaging in illegal acts under Tunisian law. The government does not provide trafficking victims legal alternatives against removal to countries where they may face hardship or retribution.

Prevention

The government made minimal efforts to prevent trafficking during the reporting period; there were no government campaigns to raise public awareness of trafficking or to reduce demand for commercial sex acts, but a government-sanctioned NGO hosted a symposium in December 2008 that raised awareness about exploitation of women, particularly domestic workers, in the workplace. The government monitored its borders closely to interdict smuggling rings and illegal immigration, but did not systematically screen for trafficking victims among illegal migrants. In January 2009, Tunisia and Italy agreed to strengthen their cooperation to combat illegal immigration and human trafficking. The government did not take any significant measures during the reporting period to reduce the demand for commercial sex acts. Information was unavailable regarding specific measures adopted by the government to ensure its nationals deployed to peacekeeping missions do not facilitate or engage in human trafficking; members of the military, however, received training on international human rights standards, which included human trafficking, as part of their 200 hours of required coursework.

¶9. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 13. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's

release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or though the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Tunisia included in the 2009 TIP Report?

A: Tunisia was ranked in the 2009 TIP Report because reliable information indicates that Tunisia is a country of origin, transit, or destination for victims of severe forms of trafficking. Some Tunisian girls are trafficked within the country for domestic servitude; the government prosecuted at least one exploiter of a child domestic worker during the year. A 2008 survey of domestic workers in the Greater Tunis region found that 52 percent were under the age of 16, 23 percent were victims of physical violence, and 11 percent were victims of sexual violence; these conditions are indicators of possible forced labor. In addition, for the first time, several Tunisian trafficking victims were identified during the reporting period in foreign locations.

Q2: Why was Tunisia placed on Tier 2 Watch List?

A: Tunisia was placed on Tier 2 Watch List because the government did not show evidence of progress in proactively identifying or protecting trafficking victims or raising public awareness of human trafficking over the last year. Human trafficking is not perceived to be a problem in Tunisia; it is possible that victims of trafficking remain undetected because of a lack of effort to identify them among vulnerable groups. Trafficking victims, when not identified, may be vulnerable to deportation or other punishment if caught engaging in illegal acts under Tunisian law.

Q3: What progress has Tunisia made in the past year?

A: The Tunis court convicted and sentenced a Tunisian woman to three years, imprisonment for subjecting to domestic servitude and physically abusing a seven-year old girl. The government encouraged the victim to testify against her trafficker during the court proceedings and provided her with medical care. The government's social workers provided direct assistance to abused women and children in two shelters operated by a local NGO which could provide assistance to trafficking victims. The Ministry of Women,s Affairs, Family, Children, and Elderly Persons employed a child protection delegate in each of Tunisia,s 24 districts to ensure that child sexual abuse victims receive adequate medical care and counseling. In January 2009, Tunisia and Italy agreed to strengthen their cooperation to combat illegal immigration and human trafficking.

Q4: What can Tunisia do to further its fight against trafficking in persons?

A: To advance its anti-trafficking efforts, the Government of Tunisia could: utilize existing criminal statutes on forced labor and forced prostitution to investigate and prosecute trafficking offenses and convict and punish trafficking offenders; undertake a baseline assessment to better understand the scope and magnitude of the human trafficking problem; draft and enact legislation that prohibits and adequately punishes all forms of human trafficking; and institute a formal victim identification mechanism to identify and refer trafficking victims to protection services.

¶12. The Department appreciates posts, assistance with the preceding action requests.

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